

REMARKS/ARGUMENTS

By this Amendment claims 1, 3, 11 and 24 are amended. Claims 1-32 are pending.

The Examiner sets forth that Claims 3, 11 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention, because claim 3 recites the limitation “the inner surface” and there is insufficient antecedent basis, and claims 11 and 24 recite “a tube which is arranged in the bottom part of the receptacle,” But according to the Examiner figure 7 shows the tube in the upper part of the receptacle.

The Applicant submits that claims 3, 11 and 24 have been amended accordingly.

The Examiner further sets forth that Claims 1-21, 23-28 and 30-32 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Kachur (US Patent 3,924,741). In particular, the Examiner sets forth that Kachur teaches the valve covering the opening of the container after uncovering the opening of the container to interrupt the mixing of the basic component and the introduced component to provide dosed mixing of the basic component and the introduced component.

The Applicant's invention is a vessel for containing multicomponent products and mixing the components at the time they are used in order to provide a mixed end product. Thus, a basic component is contained in a receptacle and an introduced component is contained in a container located in the upper part of the receptacle. The Applicant's container has an opening which is covered by a valve until the time that the components are to be mixed. When the components are to be mixed the valve uncovers the opening to permit the introduced component to be forced through the opening and into the receptacle containing the basic component. The Applicant's valve can then close the opening before all of the introduced component has escaped from the container, to thereby interrupt the mixing and prevent a portion of the introduced component from passing through the opening. See, for example, Paragraph [0034] of the specification of the

invention which discloses that

one can interrupt the process of mixing the components at any time by removing the cover from the vessel. The valve closes the opening in the body of the container. The amount of the introduced component depends on the period of time during which the vessel is in the position "open". This allows the user to modify parameters of the end product just before using it for its intended purpose. (Emphasis added.)

Additionally, Paragraphs [0054] and [0055] of the specification disclose

When the necessary amount of the introduced component 4 is selected, the user can stop the mixing process of the components by twisting off the cover with detachable connection until it is detached. The container 3 and the valve 7 close the opening 6 of the container 3.

In such a way the user modifies the parameters of the end product just before using it for its intended purpose. (Emphasis added.)

Thus, in the Applicant's invention, a portion of the introduced component remains in its container and is not mixed with the basic component. Dosed mixing is provided by allowing the user to: (1) cause a portion of the introduced component to be mixed with the basic component, and (2) cause a remaining portion of the introduced component not to be mixed with the basic component. The relative sizes of the mixed and remaining portions of the introduced component is controlled by the user by twisting off the cover.

Accordingly, the Applicant's amended claim 1 sets forth a vessel for multicomponent products including a receptacle for a basic component, a cover in a detachable connection with the receptacle, and a container for an introduced component, the container placed in an upper part of the receptacle, wherein the vessel has at least one channel for an output flow of an end product through the channel to the exterior of the receptacle. Amended claim 1 also sets forth at least one opening in the container. A valve uncovering the opening of the container to permit flow of the introduced component through the opening and mixing of the basic component and the introduced component, and the valve covering the opening of the container by removing the

cover from the receptacle after uncovering the opening of the container to interrupt the mixing of the basic component and the introduced component to prevent a portion of the introduced component from mixing with the basic component whereby dosed mixing of the basic component and the introduced component, wherein the container and the valve are slidably connected such that either the container or the valve or both can move along guide members and wherein the cover can interact with the container or the valve are also recited by amended claim 1. The container and the valve are slidably connected such that either the container or the valve or both can move along guide members and wherein the cover can interact with the container or the valve.

Kachur teaches a two-compartment container for separate storage of two ingredients and eventual mixing of the two ingredients. In Kachur, a tubular capsule is slidably mounted within a tubular sleeve to move between upper and lower positions. In the lower position the contents of a capsule (the introduced component) are separated from the contents of a bottle (basic component). Kachur teaches moving the capsule to its upper position to cause the contents of the capsule to fall into the bottle.

The Applicant believes that there is no teaching in Kachur that the capsule be returned to its lower position before the contents of the capsule completely fall into the bottle, to permit dosed mixing of the components. Furthermore, there is no teaching or suggestion whatsoever that the valve be closed by removing the cover from the receptacle in Kachur. Rather, removing the cover from the receptacle of Kachur would leave the valve open and permit uncontrolled discharge and spillage of the introduced component.

Kachur teaches at Col. 3, lines 4-9, "In the embodiment illustrated, the cap is provided with a dome 25 projecting upwardly therefrom which is integrally connect to the disk 22 by a thin circular frangible ring 26 which may be broken..." in order to discharge the mixed contents. Accordingly, the basic component is discharged by way of the capsule containing the introduced component, making it impossible for a portion of the introduced component to be

prevented from mixing with the basic component. Alternately, Kachur teaches simply removing the closure cap from the capsule to discharge the contents of the container, in which case there would be no control of the discharge of the introduced component if the valve is open.

Thus, Kachur does not teach the valve covering the opening of the container by removing the cover from the receptacle to interrupt the mixing of the basic component and the introduced component to prevent a portion of the introduced component from mixing with the basic component whereby dosed mixing of the basic component and the introduced component is provided as required by amended claim 1.

Claim 1 is thus believed to be patentable over the cited references and allowance is solicited. Additionally, the remaining claims depend directly or indirectly from claim and are believed to be patentable for at least the same reasons.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Application No. 10/595,588
Amendment Dated February 24, 2009
Reply to Office Action of November 26, 2008

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

February 24, 2009

Please charge or credit our
Account No. 03-0075 as necessary
to effect entry and/or ensure
consideration of this submission.

By 
Frank M. Linguini
Registration No. 32,424
Customer No. 03000
(215) 567-2010
Attorneys for Applicants